

REMARKS

Claims 1 - 16 are pending in the present application. By this Amendment, claims 1, 2, 4, 5, 7, 9, 10, 12, 13 and 15 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated March 29, 2004.

Information Disclosure Statement (IDS):

In item 2 of the Action, the Examiner indicates that the IDS filed on January 31, 2001 is in compliance with the provisions of 37 CFR 1.97 and accordingly, the IDS is being considered by the Examiner.

However, it is submitted that the Examiner failed to provide his initials for reference AF document No.: 10-285079 provided in the PTO Form-1449 provided with the January 31, 2001 IDS. As such, it is respectfully requested that the Examiner review such reference and provide his initials indicating that the reference AF document No.: 10-285079 has been properly considered by the Examiner. A courtesy copy of the January 31, 2001 IDS along with an accompanying copy of the PTO Form-1449 is being provided for the Examiner's convenience.

Allowable Subject Matter:

Applicants gratefully acknowledge the indication in item 31 of page 11 of the outstanding Action that claims 1-3, 5, 6, 9, 11, 13 and 14 are allowable.

Claim Objections:

Claims 1, 2, 4, 5, 7, 9, 10, 12, 13 and 15 stand objected to for the specific reasons set forth in items 4 – 28, pages 3-7 and items of the Action. These claims objections are respectfully traversed.

It is submitted that each of claims 1, 2, 4, 5, 7, 9, 10, 12, 13 and 15 have been amended to overcome these claim objections. Moreover, it is submitted that the Examiner's suggestions of changing "a second predetermined number of groups" to "a first predetermined number of groups" is not appropriate. Instead, the wording of "a first predetermined number of samples" and "a second predetermined number of groups" is used to clearly distinguish such predetermined numbers from one another. For example, according to the disclosed embodiments, "a first predetermined number of samples" correspond to eight samples R0 to R7 while "a second predetermined number of groups" correspond to two groups of samples, that is, one group of samples R0, R2, R6 and the other groups of samples R1, R3, R5, R7 (see Fig. 10).

Accordingly, withdrawal of these claims objections is respectfully requested.

35 U.S.C. §112, First Paragraph, Rejection:

Claims 4, 7, 8, 12, 15 and 16 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with it is most nearly connected, to make and/or use the invention.

This rejection is respectfully traversed.

It is respectfully submitted that each of claims 4, 7, 12 and 15 have been amended to overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response under 37 C.F.R. §1.111

Attorney Docket No.: 001717

Serial No.: 09/745,996

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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Enclosure: Courtesy copy of January 31, 2001 Information Disclosure Statement (IDS)